REMARKS

Claims 6-21 and 27 have been withdrawn. Accordingly, claims 1, 2, 4, 5, 22-26 and 28 are at issue. These claims have all be rejected as being anticipated by Romine U.S. Patent No. 6,308,483. Applicant respectfully traverses this rejection.

Claim 1 has been amended herein to recite:

> **cutting elements on the lower side of the pressing plate consisting of** a tooth-shaped cutting edge (17) at the lower side of pressing plate (13) at the **outer** circumference of said pressing plate for cutting a smooth circular face into the insulating plate (2) during pulling in of said pressing plate (13) into the insulating plate (2) under simultaneous compression of said insulating plate (2).

Claim 28 has been similarly amended to recite:

> an outer rim of the pressing plate (13) where the pressing plate (13) is circular about an axis and has a maximum radius from the axis at its outer rim, and **cutting elements on said pressing plate consisting of** cutting devices (17) arranged at the **outer** rim.

The intent of the above amendments is to recite the structure whereby all of the cutting elements on the pressing plate are arranged in a circle about the outer edge of the pressing plate. The structure does not include other cutting elements spaced radially inwardly (or outwardly) from other cutting elements such as is found in Romine. It is believed that this language clearly recites such a structure. However, if the Examiner believes for some reason that these claims do not distinguish from the Romine structure having its barbs 146 at many different radial distances from the axis of that structure, the Examiner is invited to telephone the undersigned so that appropriate language can be agreed upon whereby further consideration of the application can proceed in view of a claimed invention which is in accordance with Applicants' intent.

As previously argued, Applicants respectfully submit that Romine neither discloses nor renders obvious the inventive dowel recited as discussed above, including cutting devices at the lower side of the pressing plate at the circumference of the pressing plate for cutting in the insulating plate during pulling in of the pressing plate into the insulating plate under simultaneous compression of the insulating plate.

Rather, Romine discloses a roofing fastener assembly comprising a fastener 100, a screw 12 and a washer 140. The washer 140 comprises a second curved surface 144 which is convex and includes a plurality of outwardly-projecting barbs 146 (*cf.* column 4, lines 13 to 15). The barbs comprise a certain length in order to ensure adequate penetration and adhesion between the roofing fastener assembly and the roof material (*cf.* column 4, lines 25 to 28).

Moreover, the washer 140 and the fastener 100 of Romine are two separate elements (see Fig. 1 vs. Fig. 2), with the barbs 146 being arranged at the surface 144 of the washer 140 and not at the tapered face 106 of the fastener head 102. The inventive cutting devices are, by contrast, recited as being at the lower side of the pressing plate of the dowel.

Further, contrary to the assertion in the Office Action, the barbs 146 are <u>not</u> arranged at the circumference of the pressing plate. Even if one would consider the washer 140 to be a pressing plate, it is clear from Figs. 2, 4, 5 and 6 that the barbs 146 of Romine are rather spread over the area covered by the washer (*cf.* column 6, lines 19 to 22) rather than being positioned at its circumference. In fact, the circumference 153 of the Romine washer is explicitly defined in the description of Fig. 6 as being spaced a selected

distance from the circumference 151 of the head 102 (*cf.* column 4, lines 42 to 43), and Fig. 6 shows no barbs shown at the circumference 153 of the washer.

In addition, without the circumferential cutting devices of the claimed structure, the Romine fastener assembly could not provide for a clean radial face surface as the inventive dowel does, which is necessary for a well-fitting insertion and a tight support of the covering within the insulating plate (*cf.* page 10, lines 15 to 18 of the application).

Still further, Romine expressly states that the engagement between the barbs 146 and the roofing materials 56, 57 resists the rotation of the washer 140 relative to the rotation of the fastener 100 (*cf.* column 5, lines 64 to 66) during installation, and accordingly Romine actually teaches away from the invention. That is, the Romine barbs 146 will not pivot and cut any circular surface into the roofing material, but instead will each linearly penetrate into the roofing materials to create an axial hole at the location of each barb 146..

Simply put, there is no suggestion whatsoever in Romine of a structure which is capable of cutting in a circle into the insulating material and compressing the insulating material defined by the circle by means of the pressing plate. The structure as now recited can clearly be used to provide such an advantageous fastening. As detailed above, independent claims 1 and 28 have been amended herein to specifically set forth this difference, which Romine neither teaches nor suggests. Again, if for some reason the Examiner does not read the amended claims to be so limited, he is requested to call the

undersigned to further clarify the language in this respect, if necessary, to advance the proper consideration of the claims.

In summary, pending claims 1, 2, 4, 5, 22-26 and 28 are believed to be in condition for allowance. Early notification to that effect is respectfully requested.

Respectfully submitted,

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